

DEPARTMENT OF THE ARMY
U.S. Army Garrison Fort Belvoir
Fort Belvoir, Virginia 22060-5928

FB Regulation 190-1

1 November 1997

Military Police
MILITARY POLICE JUVENILE DELINQUENCY CONTROL

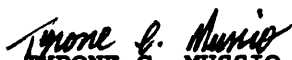
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History. This publication was last printed on 19 March 1996. This printing publishes changes made since that date.

Summary. This is a revised regulation. It establishes procedures for the conducting of the Fort Belvoir Juvenile Review Board (JRB) and prescribes the responsibility of activities on the installation.

Applicability. This regulation applies to all military personnel assigned or attached to Fort Belvoir, including tenant units.

Suggested Improvements. The proponent of this regulation is the Provost Marshal Office, U.S. Army Garrison Fort Belvoir. Users are invited to send comments and suggested improvements on DA Form 2028, Recommended Changes to Publications and Blank Forms, to U.S. Army Garrison Fort Belvoir, Provost Marshal Office, 9650 Theote Road, Fort Belvoir, Virginia 22060-5406.

*This regulation supersedes FB Regulation 190-1, dated 19 March 1996.

TABLE OF CONTENTS

	Paragraph	Page
PURPOSE -----	1	3
AUTHORITY -----	2	3
RESPONSIBILITIES -----	3	3-6
DEFINITIONS -----	4	6
JUVENILE REVIEW BOARD -----	5	7

1. PURPOSE. To establish and outline the Fort Belvoir Juvenile Review Board policies and procedures for the disposition of Military Police (MP) cases involving juvenile subjects.

2. AUTHORITY. The Installation/Garrison Commander has the authority, inherent and/or established by regulation, to take those actions necessary to maintain morale, welfare, and safety on Fort Belvoir. The commander's authority includes the power to restrict or deny on-post privileges (except for medical care) to juvenile family members who commit misconduct on Fort Belvoir. In this regard, the Installation/Garrison Commander has directed that a Juvenile Review Board (JRB) be established on Fort Belvoir to review juvenile delinquency cases referred to it and to take appropriate administrative actions. In addition, Title 18, United States Code, Section 5032 and Virginia State Code, Section 16.2-244B (Code, 1950, as amended) provide statutory authority to resolve cases of juvenile misconduct (regardless of military status) in United States District Court or Fairfax County Juvenile and Domestic Relations Court, as appropriate.

3. RESPONSIBILITIES.

a. Military sponsors are responsible for the proper conduct of their dependent children and will ensure the proper care and supervision of juvenile family members.

b. Commanders will:

(1) Ensure that sponsors are aware of their responsibility for the proper supervision of their children.

(2) Counsel and provide assistance to soldiers who have children involved in incidents of juvenile delinquency.

(3) Encourage the sponsor to comply with the Responsibility Contract between the youth, the parents/guardians, and the Fort Belvoir JRB.

(4) Ensure that the military sponsor is present at the JRB when required.

c. Provost Marshal (PM) will:

(1) Investigate fully, acts of juvenile delinquency.

(2) Report juvenile misconduct and delinquency to the commander of the military sponsor.

(3) If appropriate, inform the military sponsor in writing before rights advisal that the JRB is available as an alternative to referral to the State or Federal juvenile justice system; that submission to JRB proceeding is voluntary, and that if the JRB option is elected, failure to abide by any lawfully approved JRB recommendations may result in referral back to a state or federal juvenile justice system.

(4) Provide military police oversight on juvenile offenders serving JRB imposed restriction, (contingent on available MP assets).

(5) If the military sponsor desires to submit to JRB proceedings, obtain the military sponsor's written request to refer the case for JRB review.

(6) Will quickly refer cases involving juvenile misconduct for review to the SJA.

(7) Provide a liaison to coordinate with Fairfax County Juvenile Intake authorities when the offense is serious, involves a civilian juvenile, the JRB option has been refused by the military sponsor, or other conditions of participation in the JRB have not been fulfilled.

(8) Serve as a member of the JRB. If unable to attend, will provide a designee to attend.

d. Military Police Investigations Section will:

(1) Interview the juvenile and his/her parents/ guardians to determine the extent of involvement of the juvenile in an incident, problems concerning the family environment, and request assistance as necessary from other organizations or agencies.

(2) Ensure juvenile subjects are advised of their rights in the presence of their parents/guardians if practical, and in a manner commensurate with the age and experience of the child.

e. The Staff Judge Advocate (SJA) will:

(1) Provide legal guidance and assistance as necessary.

(2) Review all complaints referred by the Provost Marshal Office that involve juveniles.

(3) Take appropriate administrative actions to serve as corrective measures for incidents which involve juvenile family members who commit offenses on Fort Belvoir.

(4) Supervise and administer the policy and procedures of the Juvenile Review Board.

(5) Maintain a file for each youth that includes written offer and agreement to attend the JRB by the military sponsor, a copy of the military police report, and a copy of the Responsibility Contract and all attachments representing the agreement reached between the youth, the parents/guardians, and the board.

(6) Supervise the execution of the JRB Responsibility Contract.

(7) Provide military sponsors with notification informing them of requirements for executing any agreed conditions.

(8) Coordinate placement in the Juvenile Work Program.

(9) Oversee the Juvenile Work Program.

(10) Provide advice to the Provost Marshal regarding the legal sufficiency of juvenile cases.

(11) Provide victim assistance in juvenile cases.

f. The Chaplain will:

(1) Provide referrals to the Provost Marshal as appropriate for consideration by the JRB.

(2) Provide moral and character guidance advice.

(3) Serve as a member of the Juvenile Review Board.

(4) If unable to attend, will provide a designee to attend.

g. Commander, MEDDAC, will:

(1) Provide referrals as appropriate for consideration by the Juvenile Review Board.

(2) Provide advice concerning psychiatric evaluation, counseling, or referral.

(3) Provide a representative to JRB proceedings.

(4) Provide a social worker to perform intake services for each juvenile and military sponsor before attendance at the JRB. Also, provide results of the evaluation to the Board members to assist in making appropriate Responsibility Contracts, and to identify sources of misconduct.

4. DEFINITIONS.

a. Juvenile. Any person who has not attained his or her eighteenth birthday or is not in military service at the time of an alleged act of juvenile delinquency.

b. Juvenile Delinquency. The violation of a law of the State of Virginia or the United States committed by a person before his/her eighteenth birthday which would have been a crime if committed by an adult.

c. Juvenile Work Program. A program of supervised community activity which permits a youthful offender the opportunity to perform community service for a specified period of time. Supervision may be by parents/guardians and/or Fort Belvoir personnel. This permits the youth to "pay back" the community in a constructive, non-stigmatizing way designed to build self-esteem and reinforce community values. Work assignment may be to any participating installation activity and placement will be determined based on the best interests of the youth. The SJA will monitor the work program and the performance of juveniles placed in it to ensure it is fulfilling its objectives.

d. Military Sponsor. The in-service or retired parent or guardian of a juvenile.

e. Serious Crime. Criminal homicide, rape, mayhem, kidnapping, aggravated assault, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary, or breaking and entering, extortion accompanied by threats of violence, controlled substance possession and/or distribution, arson punishable as a felony, or any other crime punishable by incarceration of more than one year if committed by an adult.

5. JUVENILE REVIEW BOARD.

a. Composition. The JRB will be chaired by the SJA (or his/her designee) and have as permanent members a Chaplain, the Installation Command Sergeant Major, a Social Work Services representative, an AG representative, the Provost Marshal, and the Director of Youth Activities. The sponsor's commander or the sponsor's family members may be invited at the discretion of the JRB chairman.

b. Proceedings. The JRB will hear all cases concerning juvenile delinquents meeting the criteria. Only juveniles who are military dependents and who admit guilt will be referred to the JRB for case review. Generally, only first offenders involved in minor acts of juvenile delinquency are appropriate subjects for JRB proceedings. Also generally, repeat offenders or those involved in a serious act of juvenile delinquency should be referred to a State or Federal juvenile justice system.

(1) Hearings will be conducted in an informal, but dignified, orderly and fair manner.

(2) A Responsibility Contract will be signed containing the agreement reached between the Board, the parents/guardians, and the juvenile. Conditions such as curfew, community service, class attendance, or other appropriate provisions will be incorporated into the contract.

(3) The military sponsor may appeal the determination of the JRB. Notice of appeal must be made immediately, however, an action will be held in abeyance for five days pending submission of matters to be considered by the Installation/Garrison Commander.

c. Unilateral Command Action. In addition to action taken in concurrence with the family and the youth, the command may bring the military sponsor to the JRB to inform him/her of actions that may or will occur regardless of the consent of the sponsor. This may include an order to withdraw AAFES or other patron privileges to the family member for a specified period, issuance of a letter of denial to the youth which would preclude the use of any or all recreational activities on Fort Belvoir, barment from the installation, issuance of a warning to terminate or termination of family quarters, initiation of a report of survey, or other means to recover monetary compensation for damaged or destroyed government or private property. These actions are not all inclusive, and each case brought before the JRB for adjudication will be reviewed on its own merits.